IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET
C.A.NO.3991/2006 IN FIRST APPEAL ST.NO.21792 OF 2006

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	**Court's or Judge's orders**

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Mr.S.M.Vidyarthi for the Applicant.
Mr.Umesh Mankapure for the claimants.
Mr.S.G.Thorat for the insured.

CORAM: A.S.OKA, J.
DATE : FEBRUARY 15,2007.

P.C.:

1. Heard Advocates for the parties. The entire amount due and payable as per the impugned Award has been deposited by the Applicant with the concerned Tribunal. The dispute is on the ground that the liability of the passengers travelling in trolley was not covered by the policy of insurance. There was no insurance as regards the trolley.

2. Considering the facts and circumstances of the case, Application is disposed of by passing the following order:

i) The original claimants will be entitled to withdraw 50% of the amount deposited by the Applicant without security subject to giving an undertaking before the concerned Tribunal that in case the Applicant succeeds in Appeal, the Respondents will bring back the amount with appropriate rate of interest thereon.

ii) Remaining 50% of the amount will be permitted to be withdrawn by the claimants subject to furnishing adequate security for the said amount to the satisfaction of the Tribunal. The Applicant will be heard before accepting the security.

iii) The amount deposited by the Applicant in compliance with section 173 of the Motor Vehicles Act, 1988 will be transferred to the concerned Tribunal.

JUDGE